

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ramsey AlQaisi	Team: Squad #15	CCRB Case #: 201410203	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/31/2014 1:00 AM	Location of Incident: § 87(2)(b)	Precinct: 102	18 Mo. SOL 2/29/2016	EO SOL 2/29/2016	
Date/Time CV Reported Sun, 08/31/2014 1:09 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/03/2014 9:47 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Gregory Abrahams	04441	907684	102 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Kyle Smith	04263	939492	102 PCT
2. POM Michael Campagno	03322	948736	102 PCT
3. POM Patrick McBride	17425	947237	102 PCT
4. POM John Sullivan	18088	940781	102 PCT
5. POM Derick Singh	27283	948426	102 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gregory Abrahams	Abuse: Sgt. Gregory Abrahams authorized the entry of § 87(2)(b) in Queens.	§ 87(2)(b)
B.SGT Gregory Abrahams	Abuse: Sgt. Gregory Abrahams threatened to arrest § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.SGT Gregory Abrahams	Abuse: Sgt. Gregory Abrahams instructed the issuance of a summons to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 31, 2014, Sgt. Gregory Abrahams and PO Kyle Smith of the 102nd Precinct responded to several noise complaints in the vicinity of 115th Street in Queens. They heard loud music emanating from § 87(2)(b) and knocked on the door. Sgt. Abrahams and several unidentified officers entered the house (**Allegations A**). Sgt. Abrahams told § 87(2)(b) his wife, § 87(2)(b) and their son, § 87(2)(b) that they received noise complaints. § 87(2)(b) and § 87(2)(b) told Sgt. Abrahams that their neighbors were having parties. § 87(2)(b) argued with Sgt. Abrahams about the validity of the noise complaint. Sgt. Abrahams allegedly told § 87(2)(b) and § 87(2)(b) that if they did not shut up, they would be arrested (**Allegation B**). § 87(2)(b) was issued two summonses, including a § 87(2)(b) summons. Sgt. Abrahams instructed PO Smith to issue the summons (**Allegation C**).

Mediation, Notice of Claim, and Criminal Histories

- § 87(2)(b) and § 87(2)(b) rejected mediation.
- As of May 12, 2015, there has been no Notice of Claim filed with the City of New York (encl. 21).
- § 87(2)(b)
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) or § 87(2)(b) (encl. 2b-2d).
- Sgt. Abrahams has been a member of the service for twenty years and there is one substantiated CCRB allegations against him (encl. 2a).
 - In case number 201406064, there is one substantiated allegation of a refusal to provide name and shield number. The Board recommended charges and the NYPD imposed instructions.

Findings and Recommendations

Investigation Findings and Recommendations

Allegation A – Abuse of Authority: Sgt. Gregory Abrahams authorized the entry of § 87(2)(b) in Queens.

It is undisputed that Sgt. Abrahams entered the residence with several officers to discuss a noise complaint. It is disputed how entry was gained.

§ 87(2)(b) stated that her husband went to answer the door but she did not witness how the officers gained entry into the residence (encl. 4a-4g). Once the officers were in the residence and attempted to talk to § 87(2)(b) she asked Sgt. Abrahams if he had a warrant.

§ 87(2)(b) stated that the officers did not enter the residence, and spoke to the family at the doorway. He indicated that after speaking with § 87(2)(b) and obtaining her ID, as Sgt. Abrahams turned to walk to the patrol car, § 87(2)(b) attempted to close the door on the officers, and Sgt. Abrahams wedged his foot and broke the threshold of the door (encl. 5a-5e).

§ 87(2)(b) indicated that the officers did not initially enter the house as they spoke to his mother at the doorway but that as they continued to talk, two officers walked in to the residence and they asked for her to provide her ID, which § 87(2)(b) provided to them (encl. 6a-6e).

Sgt. Abrahams stated upon knocking at the door, § 87(2)(b) answered. Sgt. Abrahams asked him where his parents were and § 87(2)(b) stepped to the side, pointed and said “My father’s right here” (encl. 10a-10e). § 87(2)(b) then opened the door and moved to the side creating a path for Sgt. Abrahams to enter the residence. Sgt. Abrahams noted that a couple of officers entered but he did not know who backed their unit and whether his operator, PO Smith entered.

PO Smith indicated that none of the officers entered the residence but corroborated § 87(2)(b) s statement that Sgt. Abrahams wedged his foot in the threshold towards the end of their interaction (encl. 11a-11j).

Additional officers were interviewed in an attempt to identify the backing sector (encl. 12a-15d). No documentation such as the Event Report confirmed the identity of the backing sector and the officers interviewed had no recollection of this incident (encl. 16a-16s).

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation B – Abuse of Authority: Sgt. Gregory Abrahams threatened to arrest § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that Sgt. Abrahams threatened to arrest § 87(2)(b) and § 87(2)(b) if they did not shut up during their verbal disagreement (encl. 4a-6e). § 87(2)(b) only heard the threat of arrest against § 87(2)(b) and denied hearing his mother being threatened with arrest.

Sgt. Abrahams denied threatening to arrest § 87(2)(b) and § 87(2)(b) if they did not shut up (encl. 10a-10e). PO Smith denied making the alleged statements or hearing Sgt. Abrahams do so (encl. 11a-11j).

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

Allegation C – Abuse of Authority: Sgt. Gregory Abrahams instructed the issuance of a summons to § 87(2)(b)

PO Smith stated that he decided to issue § 87(2)(b) a summons for disorderly conduct because she slammed the door on Sgt. Abrahams and was screaming and cursing (encl. 11a-11j). PO Smith did not recall any other reasons for issuing the summons. When PO Smith was asked about the fighting subsection, he stated that § 87(2)(b) only fought when she slammed the door on Sgt. Abrahams. PO Smith did not recall any groups of people or spectators outside of the house.

Sgt. Abrahams stated that he instructed PO Smith to issue the disorderly conduct summons (encl. 10a-10e). Sgt. Abrahams stated that the disorderly conduct summons was issued because § 87(2)(b)

§ 87(2)(b) pushed him while he was in the residence and later slammed the door on him as his way walking out. Sgt. Abrahams stated that there was no other reason to issue the summons.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creates a risk by engaging in fighting or violent, tumultuous, or threatening behavior. N.Y.S. Penal Law, Section 240.20(1) (encl. 1a). A disorderly conduct charge must be supported by a mens rea component suggestive of inciting a crowd or causing public problem which expands beyond the civilians' interaction with the officers themselves People v. Baker, 20 N.Y. 3d 354 (2013) (encl. 1b-1f).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Pod: 15

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date